

1 JAMES R. SIGEL (CA SBN 288478)
jsigel@mofo.com
2 MORRISON & FOERSTER LLP
425 Market Street
3 San Francisco, California 94105-2482
Telephone: (415) 268-6948
4 Facsimile: (415) 268-7522

Attorney for Respondent Apple Inc.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re *Ex Parte* Application of) **STIPULATION AND ~~PROPOSED~~ ORDER**
QUALCOMM INCORPORATED,) **EXTENDING DEADLINE TO MOVE TO**
) **QUASH, RESPOND TO, OR COMPLY**
) **WITH SUBPOENA**
) Judge: Hon. Edward J. Davila
Applicant.)
Application for an Order Pursuant to 28 U.S.C.)
§ 1782 Granting Leave to Conduct Discovery For)
Use in a Foreign Proceeding)

1 Pursuant to Local Civil Rules 6-2 and 7-12, applicant Qualcomm Incorporated (“Qualcomm”)
2 and respondent Apple Inc. (“Apple”) hereby stipulate as follows:

3 WHEREAS, on December 7, 2023, the Consumers’ Association (“Which?”) commenced a
4 miscellaneous proceeding captioned *In re Consumers’ Association*, No. 23-mc-80322 (N.D. Cal.) (the
5 “Which? 1782 Proceeding”) seeking discovery pursuant to 28 U.S.C. § 1782 (“Section 1782”) from
6 Apple, as well as Samsung Semiconductor, Inc. and Samsung Electronics America, Inc. (together,
7 “Samsung”), in connection with a lawsuit (the “U.K. Action”) that Which? commenced against
8 Qualcomm in 2021 before the Competition Appeal Tribunal of the United Kingdom, *see* Which? Dkt.
9 No. 1;

10 WHEREAS, on January 24, 2024, the Court entered an *ex parte* order in the Which? 1782
11 Proceeding authorizing Which? to serve subpoenas on Apple and Samsung, without prejudice to any
12 argument that may be raised in a motion to quash, and requiring Apple and Samsung to file any such
13 motion within 30 days of service or notice of the subpoenas and this Court’s January 24, 2024 order,
14 *see* Which? Dkt. No. 21 at 7;

15 WHEREAS, on January 26, 2024, Qualcomm commenced the above-captioned miscellaneous
16 proceeding (the “Qualcomm 1782 Proceeding” and, with the Which? 1782 Proceeding, the “1782
17 Proceedings”), also seeking discovery pursuant to Section 1782 from Apple and Samsung in connection
18 with the U.K. Action, *see* Qualcomm Dkt. No. 1;

19 WHEREAS, on January 30, 2024, Qualcomm filed a request to relate the 1782 Proceedings
20 pursuant to Local Civil Rules 3-12 and 7-11, *see* Which? Dkt. No. 22 at 2-3, and the Court related the
21 Proceedings on February 7, 2024, *see* Which? Dkt. No. 24; Qualcomm Dkt. No. 13;

22 WHEREAS, on February 9, 2024, this Court entered an *ex parte* order in the Qualcomm 1782
23 Proceeding authorizing Qualcomm to serve subpoenas on Apple and Samsung, without prejudice to any
24 argument that may be raised in a motion to quash, and requiring Apple and Samsung to file any such
25 motion within 30 days of service or notice of the subpoena and this Court’s February 9, 2024 order, *see*
26 Qualcomm Dkt. No. 14 at 6;

27 WHEREAS, on February 14, 2024, Apple filed motions in the Which? 1782 Proceeding seeking
28 to consolidate the 1782 Proceedings pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, *see*

1 Which? Dkt. No. 27, and to stay the deadline for Apple to respond to the subpoena that Which? delivered
2 to Apple pursuant to this Court’s order of January 24, 2024, *see* Which Dkt. No. 28;

3 WHEREAS, on February 15, 2024, Qualcomm served a subpoena and a copy of this Court’s
4 February 9, 2024 order on Apple, making March 18, 2024 the deadline for Apple to move to quash that
5 subpoena;

6 WHEREAS, on February 16, 2024, this Court entered a stipulated order in each of the 1782
7 Proceedings setting April 3, 2024 as the deadline for Samsung to move to quash the subpoenas that
8 Which? and Qualcomm were authorized to serve on Samsung, *see* Which? Dkt. No. 30; Qualcomm Dkt.
9 No. 18;

10 WHEREAS, on February 21, 2024, this Court entered an order in each of the 1782 Proceedings
11 granting Apple’s motion to stay the deadline for Apple to respond to the subpoena that Which? delivered
12 to Apple, and ordering that Apple “need not move to quash, respond to or comply with” that subpoena
13 “until April 3, 2024,” *see* Which? Dkt. No. 32; Qualcomm Dkt. No. 20;

14 WHEREAS, Qualcomm does not oppose Apple’s motion to consolidate the 1782 Proceedings,
15 *see* Which? Dkt. No. 33;

16 WHEREAS, Qualcomm and Apple wish to extend Apple’s March 18, 2024 deadline to move to
17 quash Qualcomm’s subpoena in order to continue exploring whether a compromise can be reached that
18 would obviate the need for a motion to quash; and

19 WHEREAS, Qualcomm and Apple wish to set April 3, 2024 as the deadline for Apple to move
20 to quash or respond to Qualcomm’s subpoena in order to align all parties’ motion-to-quash deadlines in
21 the 1782 Proceedings and thereby allow an opportunity for efficient briefing of motions to quash.

22 NOW THEREFORE, APPLE AND QUALCOMM HEREBY STIPULATE, subject to the
23 approval of this Court, that April 3, 2024 is the deadline for Apple to move to quash or respond to the
24 subpoena that Qualcomm served on Apple in connection with the Qualcomm 1782 Proceeding.

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3 DATED: March 7, 2024

Respectfully submitted

4 /s/ James R. Sigel
5 James R. Sigel
6 jsigel@mofo.com
7 MORRISON & FOERSTER LLP
8 425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6948
Facsimile: (415) 268-752

9 *Attorney for Respondent Apple Inc.*

10 s/ Felice Galant
11 Katherine J. Connolly (CA SBN 313640)
12 katie.connolly@nortonrosefulbright.com
13 NORTON ROSE FULBRIGHT US LLP
14 555 California Street, Suite 3300
San Francisco, California 94104
Telephone: (628) 231-6800
Facsimile: (628) 231-6799

16 Richard S. Zembek (*pro hac vice*)
17 richard.zembek@nortonrosefulbright.com
18 NORTON ROSE FULBRIGHT US LLP
19 1301 McKinney Street, Suite 5100
Houston, Texas 77010
Telephone: (713) 651-5151
Facsimile: (713) 651-5246

20 Felice Galant (*pro hac vice*)
21 felice.galant@nortonrosefulbright.com
22 NORTON ROSE FULBRIGHT US LLP
23 1301 Avenue of the Americas
New York, New York 10019
Telephone: (212) 318-3000
Facsimile: (212) 318-3400

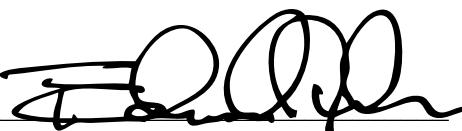
24 *Attorneys for Applicant Qualcomm Incorporated*
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1 **[PROPOSED] STIPULATED ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED that April 3, 2024 is the deadline for
3 Apple to move to quash or respond to the subpoena that Qualcomm served on Apple in connection with
4 the above-captioned miscellaneous proceeding, case number 5:24-mc-80019.

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6 Date: March 15, 2024

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HONORABLE EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE